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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,411	12/29/2003	Paula M. Sosalla	19,682	7552
23556 7590 12/10/2007 KIMBERLY-CLARK WORLDWIDE, INC. Catherine E. Wolf 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER HAND, MELANIE JO	
			ART UNIT 3761	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,411
Filing Date: December 29, 2003
Appellant(s): SOSALLA ET AL.

MAILED

DEC 10 2007

Group 3700

Randall W. Fieldhack
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 21, 2007 appealing from the Office action mailed April 30, 2007.

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(1) Real Party in Interest

The real party in interest is Kimberly-Clark Worldwide, Inc.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on June 29, 2007 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0064113

ERDMAN

4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9, 12 and 14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Erdman (U.S. Patent Application Publication No. 2004/0064113).

With respect to **claim 1**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface (§0040); an absorbent body 16 disposed on said interior outercover surface (§0040); and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (§§0037,0040)

With respect to **claim 2**: The active interior graphic is a fading graphic. (§0037)

With respect to **claim 3**: The active interior graphic is an appearing graphic. (§0037)

With respect to **claim 4**: Article 10 further comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (§0040)

With respect to **claim 5**: The bodyside liner 14 defines an interior liner surface and an exterior liner surface opposite said interior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (¶0015)

With respect to **claim 6**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, ¶¶0015,0040)

With respect to **claim 7**: The interior graphic layer 20 is a surge layer. (¶0073)

With respect to **claim 8**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 25% and 50% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 9**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 35% and 60% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 12**: Article 10 further comprises a plurality of interior graphics. (¶0013)

With respect to **claim 14**: Article 10 further comprising at least one exterior graphic disposed on said exterior article surface. (Fig. 3b, ¶¶0013,0015,0037)

With respect to **claim 15**: The at least one exterior graphic comprises a plurality of exterior graphics, and wherein at least one of said plurality of exterior graphics is an active graphic. (Fig. 3b, ¶¶0013,0015,0037)

With respect to **claim 16**: The active exterior graphic is a fading graphic. (¶¶0013,0015,0037)

With respect to **claim 17**: The at least one exterior graphic defines an exterior graphic theme, and wherein said interior graphic is related to said exterior graphic theme. (¶0102)

With respect to **claim 18**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising: an outercover 12; a bodyside liner 14 placed in superposed relationship with said outercover 12; an absorbent body 16 sandwiched between said outercover 12 and said bodyside liner 14, said outercover 12 disposed toward said exterior article surface and said bodyside liner 14 disposed toward said interior article surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is a fading graphic. (¶¶0037,0040)

With respect to **claim 19**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface

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opposite said interior article surface, a first waist region 242, a second waist region 244, and a crotch region 222 connecting the first and second waist regions 242,244, said article 10 comprising: side panels extending from and connecting said first and second waist regions 242,244 in a pant configuration to form a waist opening and a pair of leg openings (§§0044,0053); an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; an absorbent body 16 disposed on said interior outercover surface (Fig. 2); and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (§0037)

With respect to **claim 20**: The active interior graphic is a fading graphic. (§0037)

With respect to **claim 21**: Article 10 comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (Fig. 2, §0040)

With respect to **claim 22**: Bodyside liner 14 defines an interior liner surface and an exterior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (§0015)

With respect to **claim 23**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, §§0015,0040)

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With respect to **claim 24**: Erdman teaches article 10 defining an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶0015)

Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erdman ('113).

With respect to **claim 10**: The at least one interior graphic defining a total interior graphic area. Erdman does not teach that said total interior graphic area is at least 25 square cm. The total graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Appellant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Erdman so as to have a total graphic area of at least 25 square cm. It has been held that where general conditions of claim are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

With respect to **claims 11,13**: The at least one interior graphic defines a total graphic area. Erdman does not teach that said total interior graphic area is at least 45 square cm. The total graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Appellant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Edrman so as to have a total

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graphic area of at least 45 square cm. It has been held that where general conditions of claim are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

(10) Response to Argument

Appellant's arguments filed February 6, 2007 have been fully considered but they are not persuasive.

With respect to appellant's arguments regarding the prior art of Erdman: With respect to independent claims 1, 18, 19 and 24, Appellant argues that Erdman does not teach at least one interior graphic disposed on an interior article surface. Appellant is referred to paragraph 0034 of Erdman where Erdman teaches that alternatively, active graphics may be disposed anywhere in the instant absorbent garment and printed on any portion thereof such that they are visible through the inner lining, on another layer above the absorbent core that defines an interior article surface, insofar as the layer is not an exterior layer defining an exterior surface of the article (i.e. the outer cover).

Appellant's arguments with regard to dependent claims 2-17 and 19-23 have been fully considered but are not persuasive as Appellant's arguments depend entirely on Appellant's arguments regarding the rejection of claims 1, 18 and 24 which have been addressed *supra*.

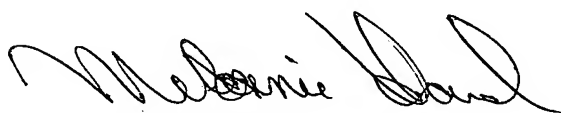
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



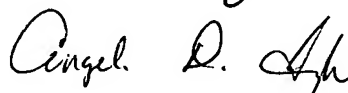
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Claims Appendix

The claims on appeal are:

1. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:

an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface;

an absorbent body disposed on said interior outercover surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.

2. The article of claim 1 wherein said active interior graphic is a fading graphic.

3. The article of claim 1 wherein said active interior graphic is an appearing graphic.

4. The article of claim 1 further comprising a bodyside liner placed in superposed relationship with said interior outercover surface, wherein said absorbent body is sandwiched between said outercover and said bodyside liner, and wherein said interior article surface is provided at least in part by said bodyside liner.

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5. The article of claim 4 wherein said bodyside liner defines an interior liner surface and an exterior liner surface opposite said interior liner surface, and wherein said interior graphic is applied on said exterior liner surface.

6. The article of claim 4 further comprising an interior graphic layer sandwiched between said absorbent body and said bodyside liner, and wherein said interior graphic is applied on said graphic layer.

7. The article of claim 6 wherein said interior graphic layer is a surge layer.

8. The article of claim 1 further defining a front waist edge, a back waist edge, and an article length in said longitudinal direction, wherein said interior graphic is spaced from said front waist edge in said longitudinal direction by between 25 % and 50 % of said article length.

9. The article of claim 1 further defining a front waist edge, a back waist edge, and an article length in said longitudinal direction, wherein said interior graphic is spaced from said front waist edge in said longitudinal direction by between 35 % and 60 % of said article length.

10. The article of claim 1 wherein said at least one interior graphic defines a total interior graphic area and wherein said total interior graphic area is at least 25 square cm.

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11. The article of claim 1 wherein said at least one interior graphic defines a total graphic area and wherein said total interior graphic area is at least 45 square cm.

12. The article of claim 1 further comprising a plurality of interior graphics.

13. The article of claim 12 wherein said plurality of interior graphics defines a total interior graphic area and wherein said total graphic area is at least 25 square cm.

14. The article of claim 1 further comprising at least one exterior graphic disposed on said exterior article surface.

15. The article of claim 14 wherein said at least one exterior graphic comprises a plurality of exterior graphics, and wherein at least one of said plurality of exterior graphics is an active graphic.

16. The article of claim 15 wherein said active exterior graphic is a fading graphic.

17. The article of claim 14 wherein said at least one exterior graphic defines an exterior graphic theme, and wherein said interior graphic is related to said exterior graphic theme.

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18. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:

an outercover;

a bodyside liner placed in superposed relationship with said outercover;

an absorbent body sandwiched between said outercover and said bodyside liner, said outercover disposed toward said exterior article surface and said bodyside liner disposed toward said interior article surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is a fading graphic.

19. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, a first waist region, a second waist region, and a crotch region connecting the first and second waist regions, said article comprising:

side panels extending from and connecting said first and second waist regions in a pant configuration to form a waist opening and a pair of leg openings;

an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface;

an absorbent body disposed on said interior outercover surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.

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20. The article of claim 19 wherein said active interior graphic is a fading graphic.

21. The article of claim 19 comprising a bodyside liner placed in superposed relationship with said interior outercover surface, wherein said absorbent body is sandwiched between said outercover and said bodyside liner, and wherein said interior article surface is provided at least in part by said bodyside liner.

22. The article of claim 21 wherein said bodyside liner defines an interior liner surface and an exterior liner surface, and wherein said interior graphic is applied on said exterior liner surface.

23. The article of claim 21 further comprising an interior graphic layer sandwiched between said absorbent body and said bodyside liner, and wherein said interior graphic is applied on said graphic layer.

24. An article defining an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:

an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.